



ETH-1567
(97017/00062)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
KELLY R. BROWN, ET AL.

Serial No.: 09/892,993

Confirmation No.: 3764

Filed: June 27, 2001

For: POROUS CERAMIC/POROUS
POLYMER LAYERED SCAFFOLDS
FOR THE REPAIR AND
REGENERATION OF TISSUE

Group Art Unit: 1615

Examiner: Blessing M. Fubara

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TERMINAL DISCLAIMER

Sir:

The owner, Ethicon, Inc., of 100 percent interest in the above-captioned application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,626,950. The owner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors or assigns.

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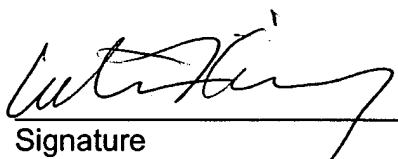
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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-captioned application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The assignment of all rights in the above-captioned application is recorded at Reel 11968, Frame 0261.

The assignment of all rights in U.S. Patent # 6,626,950 is recorded at Reel 11970, Frame 0899.

By the undersigned attorney of record:


Signature

William K. Wissing, Reg. No. 34,757

June 10, 2004
Date

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

NWK2: 1187014.01